

**STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD**



CARLSBAD CITY EMPLOYEES
ASSOCIATION,

Charging Party,

v.

CITY OF CARLSBAD,

Respondent.

Case No. LA-CE-736-M

PERB Decision No. 2276-M

June 27, 2012

Appearance: Hayes & Cunningham by Christopher H. Conti, Attorney, for Carlsbad City Employees Association.

Before Martinez, Chair; Dowdin Calvillo and Huguenin, Members.

DECISION

HUGUENIN, Member: This case is before the Public Employment Relations Board (PERB or Board) on appeal by Carlsbad City Employees Association (Association) from dismissal of its unfair practice charge filed on December 21, 2011, against the City of Carlsbad under the Meyers-Milias-Brown Act (MMBA).¹

PERB's Office of General Counsel dismissed the charge on May 8, 2012 and on May 18, 2012, the Association filed its appeal. On June 12, 2012, the Appeals Assistant notified the parties by letter that the filings were complete, and the case was placed on the Board's docket.

On June 8, 2012, the Office of General Counsel requested that the case be remanded for further investigation. The Office of General Counsel indicates that the charge was prematurely dismissed, prior to receipt of an amended charge, which was timely filed during an extension of time which had been granted to the Association.

¹ The MMBA is codified at Government Code section 3500 et seq.

The Board has adopted a procedure whereby the General Counsel reviews cases dismissed by Board agents. As explained in similar requests from the General Counsel (*Santa Ana Education Association (O'Neil, et al.)* (2005) PERB Decision No. 1776; *California School Employees Association and its Chapter #302 (Lauer)* (1990) PERB Decision No. 809; *California State Employees' Association (Morrow)* (1986) PERB Decision No. 568-S), the purpose of the review is to minimize and reduce appellate litigation caused by inadequacies in the processing of unfair practice charges.

We have reviewed the record in this case and considered the request from the Office of General Counsel. Here, the Board agent provided the Association a time certain within which to prepare and file an amendment, and the Association timely filed the amendment. However, before the amendment was filed, the charge was prematurely dismissed. It is thus appropriate to remand the case for further processing by the Office of General Counsel.

ORDER

Based on the entire record in the matter, the Public Employment Relations Board (PERB) hereby REMANDS this case to PERB's Office of General Counsel for further processing in accordance with PERB regulations.

Chair Martinez and Member Dowdin Calvillo participated in this Decision.